



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA  
Chief Executive Officer

January 21, 2011

To: Mayor Michael D. Antonovich  
Supervisor Gloria Molina  
Supervisor Mark Ridley-Thomas  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe

From: William T Fujioka  
Chief Executive Officer

Board of Supervisors  
GLORIA MOLINA  
First District

MARK RIDLEY-THOMAS  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

## **ESTABLISHMENT OF COUNTYWIDE OVERSIGHT PANEL ON EQUITY (COPE) TO IMPROVE THE EMPLOYMENT DISCRIMINATION COMPLAINT PROCESS**

On December 14, 2010, your Board adopted a Chief Executive Office (CEO) recommendation to create a countywide employment discrimination complaint process modeled after the Sheriff's Equity Oversight Panel (EOP), as described in our November 4, 2010 memo. The Board action specified inclusion of an independent four-member panel and a skills assessment of current Office of Affirmative Action Compliance investigators and training in the EOP investigative approach. Your Board directed the CEO to report back within three weeks with a cost neutral implementation plan.

CEO staff met with the Board Executive Officer, Office of Affirmative Action (OAAC), Department of Human Resources (DHR), County Counsel, and Internal Services Department (ISD) to discuss implementation of the Countywide Oversight Panel on Equity (COPE). The group developed an initial implementation plan (shown in Attachment 1), which reflects a phased approach to rolling this program out countywide. The COPE panel, policies and processes would be defined over the next three months. Departments would be added to the program as follows:

- Health Departments - late March/early April 2011
- Program assessment - May 2011 and any needed adjustments identified
- Social Services Departments - June 2011
- Public Safety Departments (except Sheriff) - August 2011
- All other departments (except Sheriff) - October 2011

*"To Enrich Lives Through Effective And Caring Service"*

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The implementation plan also includes numerous other activities, such as assessment of investigators (anticipated to include development and administration of a knowledge-based pre- and post-test, as well as development and presentation of various training classes) development of policies, guidelines and procedures, and identification of best practices and information-sharing methods.

### **Staffing Recommendation**

As noted in our November 4, 2010 memo, several new positions are needed to provide the staff support for the new COPE program. The program is recommended to be staffed similar to one of the County's very active commissions:

- 1 - COPE Executive Director (new)
- 1 - Senior Staff Analyst (new)
- 1 - Staff Analyst (new)
- 1 - Secretary (existing in Board Executive Office)

These positions will review, analyze, provide trend information, and schedule hearings for hundreds of discrimination complaint investigations each year. These staff will also audit departments to ensure that appropriate disciplinary actions are taken. While the number of cases is expected to decline over time, we anticipate that the workload will be heaviest in the first two or three years.

We also recommend one new attorney position in County Counsel to work with the Centralized Intake Unit to review assessments and case categorizations, provide advice on investigations and act as a legal resource to the COPE-panel regarding questions related to County Code, Civil Service rules, etc.

If your Board approves the creation of COPE, ordinance authority for these positions need to be added in the 2010-11 fiscal year and then included in the 2011-12 Proposed Budget. We will file a Board letter for February regarding the staff positions.

### **Funding Recommendation**

Because of the financial climate and State budget shortfalls, the County faces its third year of significant budget reductions. Your Board recognized the need for the COPE program, but also asked that it be made cost neutral. As part of our preparation for the 2011-12 Proposed Budget, our Office reviewed available and projected revenues and mandated and discretionary expenditures. As a result of that review, we believe that the most logical way to fund COPE on an ongoing basis is by consolidating portions of OAAC into DHR, ISD and CEO. Savings would be generated by eliminating duplicative

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administrative functions. This approach preserves and continues all key OAAC programs (such as discrimination investigations, living wage and ADA compliance), while at the same time instituting improvements through implementation of COPE. Attachment 2 shows the proposed consolidation and new location of OAAC functions, including a listing in the last section of the ten OAAC positions that would be eliminated, generating \$1.1 million per year in savings. Attachment 3 shows the projected full year costs for COPE for 2011-12.

The ongoing savings generated from the consolidation of OAAC should be enough to cover the ongoing costs of COPE, with the caveat that the budget for the panel of outside attorneys will have to be managed very carefully. There are not sufficient funds to have four outside attorneys at every single COPE meeting. However, less complex cases could be handled by two outside attorneys and more complex cases could include up to four attorneys. Start up costs for the remainder of 2010-11 will be funded from existing budgeted funds.

If approved by your Board, the creation of COPE and the proposed OAAC consolidation will be reflected in the 2011-12 Proposed Budget. Our Office will work with the affected departments regarding the proposed consolidation. DHR will work with OAAC to place OAAC administrative employees into positions in other departments. CEO will provide bi-monthly status reports on implementation of COPE.

If you have any questions, please contact me or have your staff contact Ellen Sandt, Deputy Chief Executive Officer at (213) 974-1186 or [esandt@ceo.lacounty.gov](mailto:esandt@ceo.lacounty.gov).

WTF:EFS  
GS:LG:ef

#### Attachments

c:     Executive Office, Board of Supervisors  
       Affirmative Action Compliance  
       County Counsel  
       Human Resources  
       Internal Services

### Countywide Oversight Panel on Equity (COPE) Implementation Schedule

Date	Done	Action
	x	OAAC to notify the complaining party in writing should the investigation extend beyond the stated time frame.
	x	OAAC to distribute an informational brochure regarding the voluntary Dispute Resolution Mediation Program as an attachment to "Acknowledgement of Complaint" letters.
	x	OAAC to implement electronic workflow, templates and online review and approvals using new system.
	x	OAAC to conduct investigations simultaneously with all cases electing dispute resolution.
	x	OAAC to establish investigation review committee to provide quality assurance on investigation reports.
	x	OAAC/CEO to develop and implement a triage procedure to identify cases that pose a high risk to the County and which will be given priority status. Procedure already designed and to be presented to CEO.
	x	OAAC to use new system to provide management reports tied to workload and timeliness.
	x	CEO to prepare Board memo in response to Board motion to implement option selected by BOS.
Jan. 2011		DHR/CEO/CoCo to obtain and modify copy of letter Sheriff sent out requesting resumes from outside attorneys interested in serving on the oversight panel – expertise working with plaintiffs and/or defendants.
Jan. 2011		CEO to obtain recommendations of outside attorneys from BOS, EOP, etc. and issue letters seeking resumes from attorneys interested in serving on COPE.
Jan. 2011		CEO to prepare Board letter for February filing regarding staff resources needed for 2010-11.
Jan.-Feb. 2011		OAAC will enhance the investigative reports to recommend what should be done to prevent similar incidents.
Feb. 2011		OAAC to digitally record all complaining party, subject of investigation and witness interviews, and transcribing as necessary. Approximately 75% complete.
Feb. 2011		OAAC to reorganize staff to create a specialized Intake Unit.
Feb. 2011		Develop test and other tools to assess OAAC investigations to determine training needed, etc. (DHR/Sheriff/DA).

## Countywide Oversight Panel on Equity (COPE) Implementation Schedule

Date	Done	Action
Feb. 2011		<p>COPE Exec. Dir./DHR/CEO/CoCo/OAAC to develop County policy for use of EOP process, including review/input from EOP outside attorneys and departments:</p> <ul style="list-style-type: none"> <li>• Review of Sheriff Manual of Policy and Procedures for the Policy of Equality</li> <li>• Adapt Sheriff's Policy of Equality for countywide use for COPE. Present to BOS with accompanying ordinance for adoption</li> <li>• Development of disciplinary guidelines and form for written departmental justification for implementing discipline other than recommended by the panel (DHR/CoCo)</li> <li>• Corrective Action Plans and requirement for departments to provide OAAC with written documentation of final disciplinary action and corrective actions taken</li> <li>• Identification of best practices to be shared with departments and Legal Exposure Reduction Committee and to be incorporated into training</li> </ul>
Feb. 2011		CEO/DHR/Board Executive Officer to brief department heads on COPE Program and effect on disciplinary process.
Feb. 2011		EOP Exec. Dir./CEO/CoCo/DHR/OAAC to evaluate/select responses to RFQ for outside attorneys.
Feb. 2011		<p>Meetings with outside attorneys and County staff to serve on panel:</p> <ul style="list-style-type: none"> <li>• Meeting with EOP panel for briefing on how EOP panel operates</li> <li>• Meeting to establish how new COPE panel will operate (mirroring EOP as much as possible), including review of draft County policy by outside attorneys, timeframe needed for panel to review OAAC investigation reports, etc.</li> <li>• Meeting calendar established</li> </ul>
Feb. 2011		OAAC to implement the "A, B, C" intake classification model developed by the EOP.
Feb. 2011		COPE/CEO Risk Management staff to work with OAAC and County Counsel to use new system to do case trend analysis to identify problem areas for focus and CAPs.
Feb.-Mar. 2011		OAAC to work with Sheriff/EOP/DA to set up standardized investigation training for OAAC investigators and discuss other options such as shadowing IA investigators to learn their techniques. Tools to include pre and post-tests on knowledge and core competencies.
Mar. 2011		Countywide policy on new panel finalized and distributed along with information on regular oversight panel meeting dates.

## Countywide Oversight Panel on Equity (COPE) Implementation Schedule

Date	Done	Action
Mar. 2011		DHR/OAAC to develop training on equity and related policies, with input from COPE/EOP outside attorneys.
Mar.-Apr. 2011		New oversight panel begins hearing cases. Phased in approach - Phase 1 - Health Departments.
Mar. 2011		OAAC/DHR/CoCo will research additional innovative ways to communicate best practices, such as the Sheriff's Department use of "pop up" messages when computers are turned on each day.
Apr. 2011		OAAC and DHR to create online training using LMS.
Apr. 2011		OAAC to include best practices and lessons learned in the quarterly reports which are copied to all departments.
Apr. 2011		OAAC to continue to share information through meetings with department heads, chief deputies, administrative deputies, human resources managers and risk managers.
May, 2011		Review and assess the implementation roll-out and add new departments based on program capacity.
Jun. 2011		Phase 2 – Social Services departments.
Jun. 2011		OAAC and DHR to initiate mandatory training on equity and policies to all employees. Supervisors to be trained, then employees. All trainees to sign acknowledgment they understand and will follow policy.
Jul. 2011		Assess and review entire COPE process to determine whether further changes are needed.
Aug. 2011		Phase 3 - Public Safety Departments.
Oct. 2011		Phase 4 - All other departments (also consider whether Sheriff's Equity Panel should remain separate or be merged into countywide COPE process).

## Departmental Program Summary and Positions

## 1. AFFIRMATIVE ACTION/DIVERSITY PROGRAMS → DHR

	Gross Appropriation (\$)	Intrafund Transfer (\$)	Revenue (\$)	Net County Cost (\$)	Budg Pos
<b>Total Program Costs</b>	868,000	641,000	107,000	120,000	7.0
<i>Less Administration</i>	--	--	--	--	--
<b>Net Program Costs</b>	868,000	641,000	107,000	120,000	7.0

**Positions:**

- 1 Sr. Deputy AACO
- 4 Deputy AACO
- 1 EEOC Investigator
- 1 Staff Assistant II

## 2. CONTRACT COMPLIANCE PROGRAMS → ISD

	Gross Appropriation (\$)	Intrafund Transfer (\$)	Revenue (\$)	Net County Cost (\$)	Budg Pos
<b>Total Program Costs</b>	1,365,000	263,000	962,000	140,000	11.0
<i>Less Administration</i>	--	--	--	--	--
<b>Net Program Costs</b>	1,365,000	263,000	962,000	140,000	11.0

**Positions:**

- 1 Sr. Deputy AACO
- 6 Deputy AACO
- 2 EEOC Investigator
- 1 Staff Assistant II
- 1 ITC

## 3. DISABILITY CIVIL RIGHTS COMPLIANCE → CEO

	Gross Appropriation (\$)	Intrafund Transfer (\$)	Revenue (\$)	Net County Cost (\$)	Budg Pos
<b>Total Program Costs</b>	729,000	134,000	18,000	577,000	6.0
<i>Less Administration</i>	--	--	--	--	--
<b>Net Program Costs</b>	729,000	134,000	18,000	577,000	6.0

**Positions:**

- 1 Sr. Deputy AACO
- 5 Deputy AACO

#### 4. EMPLOYMENT DISCRIMINATION INVESTIGATIONS → DHR

	Gross Appropriation (\$)	Intrafund Transfer (\$)	Revenue (\$)	Net County Cost (\$)	Budg Pos
<b>Total Program Costs</b>	7,404,000	6,013,000	1,250,000	141,000	49.0
<i>Less Administration</i>	--	--	--	--	--
<b>Net Program Costs</b>	7,404,000	6,013,000	1,250,000	141,000	49.0

##### Positions:

1 Principal Deputy, Affirmative Action Compliance Officer

7 Sr. Deputy AACO

33 Deputy AACO

1 Administrative Assistant II

7 Staff Assistant II

#### 5. RISK MANAGEMENT/EMPLOYMENT DISCRIMINATION MEDIATION → DHR

	Gross Appropriation (\$)	Intrafund Transfer (\$)	Revenue (\$)	Net County Cost (\$)	Budg Pos
<b>Total Program Costs</b>	746,000	474,000	71,000	201,000	6.0
<i>Less Administration</i>	--	--	--	--	--
<b>Net Program Costs</b>	746,000	474,000	71,000	201,000	6.0

##### Positions:

**\*\*RISK MANAGEMENT**

1.0

1 Deputy AACO

**\*\*EMPLOYMENT DISCRIMINATION MEDIATION**

5.0

1 Sr. Deputy AACO

3 Deputy AACO

1 Staff Assistant II (vacant)



## 6. ADMINISTRATION

	Gross Appropriation (\$)	Intrafund Transfer (\$)	Revenue (\$)	Net County Cost (\$)	Budg Pos
<b>Total Program Costs</b>	1,440,000	--	18,000	1,422,000	10.0
<i>Less Administration</i>	--	--	--	--	--
<b>Net Program Costs</b>	1,440,000	--	18,000	1,422,000	10.0

### Positions:

- 1 Affirmative Action Compliance Officer
- 1 Chief Deputy Affirmative Action Compliance Officer
- 1 Administrative Deputy
- 1 Executive Secretary I
- 1 Senior Management Secretary I
- 2 Administrative Services Manager I
- 1 Administrative Assistant II
- 1 Principal Deputy, Affirmative Action Compliance Officer
- 1 Senior Secretary I

	Gross Appropriation (\$)	Intrafund Transfer (\$)	Revenue (\$)	Net County Cost (\$)	Budg Pos
<b>Net Program Costs</b>	12,552,000	7,525,000	2,426,000	2,601,000	89.0

**COPE Cost Projections****Annual Cost for  
FY 2011-2012****Staffing (Salary and Employee Benefits):****Board Executive Officer\***

COPE Executive Director	\$164,000
Senior Staff Analyst	110,000
Staff Analyst	101,000
	<u>\$375,000</u>

**County Counsel**

Deputy Attorney	\$191,000
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**COPE Panel**

One outside attorney as chair (800 hours at \$200/hour/year)	\$160,000
Three outside attorneys (1750 hours total at \$200/hour/year)	350,000
	<u>\$510,000</u>

**Services and Supplies:**

\$40,000

**TOTAL**\$1,116,000

\* Board Executive Officer to use existing staff to provide one Secretary position.